

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANKIE GONZALES,  
WAYNE JOHNSON,  
ANDREW NOEL,  
THERON PARKER, and  
WILLIAM SECOR

Defendants.

Case No. CR07-5656 JKA

**ORDER REGARDING PENDING  
MOTIONS**

This matter comes before the court on motion of defendant Noel, to continue the currently scheduled motions hearing date of January 29 (Dkt#105). Defendant Noel asks that a new date be scheduled to hear each defendants dispositive motions *not requiring an evidentiary hearing*. The motion is joined in by defendants: Gonzales (#104); Johnson (#108); Parker:(#106); defendant Secor not responding, and the plaintiff has responding in support of the motion (#107).

The court had earlier established a pre-trial motions cut off date of January 18, 2008. Accordingly, the court assumes that all pre-trial motions have been filed. The pending motions, in the order filed, are as follows:

1. Motion in Limine or in the alternative to Suppress Evidence (defendant Noel – #52).
2. Motion to Dismiss Count Two of Indictment (defendant Noel – #55).
3. Motion to Dismiss Count One of Indictment (defendant Noel – #61).
4. Motion to File Amicus Brief (plaintiff – #75).

- 1 5. Motion to File Overlength Brief (defendant Noel – #76).
- 2 6. Motion to Suppress Statements (defendant Johnson – #81).
- 3 7. Motion to Suppress Statements (defendant Secor – #84).
- 4 8. Motion to Dismiss Indictment (defendant Johnson – #86).
- 5 9. Motion to Dismiss Count Three of Indictment (defendant Noel – #90).
- 6 10. Motion to Suppress Statements (defendant Parker – #95).
- 7 11. Motion to Dismiss Counts II or III (defendant Parker – #98).
- 8 12..Motion to Dismiss based on Double Jeopardy (defendant Noel – #101).
- 9 13. Motion to Continue Motions Hearing (defendants – #105).

10 For the most part, all defendants have joined in those motions of co-defendants in which the benefit of  
11 prevailing would inure to the benefit of the joining party. **If the court has mischaracterized or failed to list**  
12 **any pending motion counsel filing the motion should notify the court within 5 days of the date of this**  
13 **order.**

14 **The court, having reviewed all materials submitted to date, and being fully advised in the**  
15 **premises orders as follows:**

16 **WITH THE EXCEPTION OF *Motion to File Amicus Brief (#75) and Motion to Continue***  
17 ***Motions Hearing Date (#105) – both of which the court hereby GRANTS, the January 29, 2008 hearing***  
18 **date regarding pre-trial motions is continued to February 19<sup>th</sup> and 20<sup>th</sup>, 2008. The court is scheduling**  
19 **the hearing for two full days in order that all pending motions (including evidentiary hearings) may be**  
20 **resolved at that time. All parties and counsel are to be present.**

21  
22 January 23, 2008

23  
24 /s/ J. Kelley Arnold  
25 J. Kelley Arnold, U.S. Magistrate Judge